

Remarks/Arguments

Claims 1-5, 7-10 and 12-17 are pending in this application, and are rejected in the Office Action of December 15, 2006. Claims 1-5, 7-10 and 12-17 are amended herein, without prejudice or disclaimer.

Rejection of Claims 1-5, 7-10 and 12-17 under 35 U.S.C. §102(e) as being anticipated by Chan et al. (U.S. Patent No. 6,233,683).

Claims 1-5, 7-10 and 12-17 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,233,683 issued to Chan et al. (hereinafter, "Chan"). Applicants submit that for at least the reasons discussed below, Chan fails to disclose each and every limitation of independent claims 1, 10 and 14, and as such, these claims, and the claims that depend therefrom, are not anticipated by Chan.

As an initial matter, applicants submit that the examiner continues to misapply the concept of using signatures to verify the source of content to the concept of using entitlements to determine whether a particular user has the right to receive and use the content. These are concepts that are distinct to those skilled in the art. The difference between the concepts has been discussed in detail in applicants' previous responses, for example, in the response dated September 21, 2006. For the reasons stated therein, applicants submit that Chan does not discuss or suggest the steps of "verifying that an entitlement contained in the integrated circuit card is correct for receiving the selected content ... receiving the selected content from the server via the terminal in response to the verification ... verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted."

Furthermore, Chan also does not disclose or suggest verification of a right to reuse content, rather, Chan merely teaches decrypting the content using the security domain. The distinction between the two concepts has also been discussed in detail in applicant's previous responses, for example, the response dated September 21, 2006. Applicants submit that the foregoing represents sufficient grounds for withdrawal of the rejection of the claims over Chan.

Regarding the suggested use of the term "entitlement management message" applicants submit that the term "entitlement" is sufficient to clearly and distinctly define the limitations at issue since the term is clearly understood by those skilled in the art. As is well known, the term "entitlement management message," or EMM, may be specifically applied to data packets that include entitlement information in the context of digital video transmissions. However, the present invention is not limited to such specific types of data packets, and applicants submit that recitation of such a term is not required in the present claims.

For at least the reasons discussed above, the previous claims are not anticipated by Chan. However, to move the prosecution of the case forward, applicants have amend the independent claims to more clearly distinguish the claimed invention over the cited prior art. In particular, amended independent claims 1, 10 and 14 recite:

- receiving via the terminal an input selecting content provided from the server;

- verifying that an entitlement contained in the integrated circuit card is correct for receiving the selected content;

- receiving the selected content from the server via the terminal in response to the verification;

- storing the selected content in a **memory of the terminal that is separate from the integrated circuit card**; and

- verifying that the entitlement is correct for reuse of the selected content when reuse of the selected content is attempted (emphasis added, see claim 1).

- a processor for processing the download of the content from the server, a memory for receiving and storing the downloaded content, and an interface circuit for receiving an integrated circuit card;

- wherein the **integrated circuit card is separate from the memory**;

- wherein the integrated circuit card provides an entitlement message enabling said apparatus to download the content from the server, the integrated circuit card containing an entitlement database for storing a plurality of entitlement messages each associated with particular content; and

- wherein the integrated circuit card provides the entitlement message enabling said apparatus to reuse the content after being downloaded from the server and stored in the memory (emphasis added, see claim 10).

a receiver communicatively coupled to the server and adapted to receive reusable content from the server;
an integrated card interface adapted to receive an integrated circuit card;
a memory that is separate from the integrated circuit card;
a processor coupled to the receiver, the integrated card interface, and the memory, the processor enabling the reusable content from the server to be received and stored in the memory in response to entitlement information received from the integrated circuit card via the integrated card interface, the processor enabling reuse of the reusable content stored in the memory in response to the entitlement information received from the integrated circuit card via the integrated card interface (emphasis added, see claim 14).

As indicated above, independent claims 1, 10 and 14 define a method and apparatus for using an integrated circuit card to facilitate downloading of content from a server to the apparatus (i.e., terminal), and use of the content via the apparatus. Chan fails to teach or suggest at least the following elements of independent claims 1, 10 and 14.

According to independent claims 1, 10 and 14, downloaded content is stored in a memory of the apparatus (i.e., terminal) that is separate from an integrated circuit card which is received into the apparatus. That is, the memory and the integrated circuit card of the claimed invention are two separate elements and perform two different functions. In contrast to independent claims 1, 10 and 14, Chan discloses a system, implemented in software on a smart card, which enables the downloading of new applications directly to the smart card itself (see, for example, column 5, lines 25-28). In other words, the claimed invention defines a configuration in which downloaded content is stored in a memory that is separate apart from the integrated circuit card, whereas Chan discloses a configuration in which downloaded content is stored directly on the smart card itself. Chan does not teach or suggest storing downloaded content in any memory other than the one included on the smart card. This is a fundamental difference between the claimed invention and Chan, and because of this difference alone, the instant rejection should be withdrawn.


Applicants further submit that the remaining dependent claims are not anticipated by Chan for at least the same reasons as those discussed above with respect to their respective independent claims.

CONCLUSION

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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Date: 2/22/07